

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 15, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:11 p.m. Mayor Murphy adjourned the meeting at 3:35 p.m. into Closed Session at 9:00 a.m. on Tuesday, July 16, 2002, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Senior Pastor Gary Tucker of Spring Valley Church of the Nazarene.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

FILE LOCATION: MINUTES

ITEM-30: Beverly Monroe Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1800) ADOPTED AS RESOLUTION R-296792

Commending Ms. Beverly Monroe for her contributions to the City of San Diego;

Proclaiming July 15, 2002 to be "Beverly Monroe Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-234.)

MOTION BY STEVENS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Recognition and Presentation of Prosecutor of the Year 2001 Award.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-83) ADOPTED AS RESOLUTION R-296791

Recognition and Presentation of Prosecutor of the Year 2001 Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A240-397.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

5/27/2002 Adjourned
5/28/2002
6/03/2002
6/04/2002
6/10/2002
6/11/2002
6/17/2002
6/18/2002
6/24/2002
6/25/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A031-032.)

MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-50: Lease Amendment - Rio Vista Tower - Padres.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-29) INTRODUCED, TO BE ADOPTED ON MONDAY,
JULY 29, 2002

Introduction of an Ordinance authorizing the City Manager to execute the First Amendment to Lease Agreement with Hyundai Rio Vista, Inc., at an initial monthly rent of \$43,252.30;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$84,549.79 from Fund No. 10330, Dept. 930 for FY2002.

CITY MANAGER SUPPORTING INFORMATION:

As part of the extension of the San Diego Padres lease at Qualcomm Stadium in 1996, the Mayor and Council authorized the payment by the City of the Padres office space in Mission Valley. The Padres current sublease from the City in the Rio Vista Tower will need to be extended due to construction delays with the downtown Ballpark project. It is anticipated that the Padres will be ready to relocate in the Spring of 2004. The City is therefore extending its Lease in the Rio Vista Tower under the following basic terms which provide flexibility to terminate early or extend the term as required:

Term - 3 years with a lease expiration date of January 14, 2005. City shall have the right to terminate the Lease after 2 years by providing a six-month notice to the Landlord.

Rent - \$2.45 per square foot or \$43,252.30 per month. This rental rate is below market as compared to similar office space in the Mission Valley area.

Use - General office use for the San Diego Padres.

Size - 17,654 square feet.

Option to Renew - The City shall have one option to renew the Lease for three (3) additional years.

Rent Abatement - The City will receive a tenant improvement allowance totaling \$49,800. The allowance will be used as a rent reduction divided over the initial twelve months of this Amendment.

Parking Abatement - The City shall receive full rent abatement for the Padres parking spaces throughout the term of this Amendment.

FISCAL IMPACT:

An additional \$84,549.79 will be paid from Fund 10330, Dept. 930 for FY2002.

Herring/Griffith/DLM

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B110-466.)

MOTION BY WEAR TO INTRODUCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Participation Agreement for the Design, Construction, Relocation and Up-Sizing of a Portion of the Otay 2nd Pipeline Through Skyline Terrace Estates.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-41) ADOPTED AS RESOLUTION R-296793

Authorizing the City Manager to enter into an agreement with Carter Reese No. 11, LP, for the design and construction of the water main improvements through Skyline Terrace Estates;

Authorizing the expenditure of an amount not to exceed \$679,641 from Water Fund No. 41500, CIP-73-286.0, Otay Second Pipeline Improvements (Skyline Terrace Estates), provided that the City Auditor first furnishes one, or more, certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Carter Reese No. 11 Limited Partnership, a California limited partnership (Developer), is the owner of certain property known as Skyline Terrace Estates, Tentative Map No. 41-0046, located within the Skyline-Paradise Hills Community Planning Area.

In order to satisfy one of the conditions of Tentative Map No. 41-0046, the Developer must relocate that portion of the existing Otay 2nd Pipeline located within their Development in a manner acceptable to the Water Department Director. The water system improvements include the relocation, up-sizing and installation of approximately 950 linear feet of 48-inch Cement-Mortar Lined and Coated Steel (CMLCS) water main, a realignment and up-sizing of a portion of the existing Otay 2nd Pipeline which is currently located in an easement within Skyline Terrace Estates.

The City finds that the public interest is served by the completion of the water facilities required to improve the water system. The City has determined that construction of the water facilities will be expedited by entering into a participation agreement allowing the Developer to construct the required water facilities per City Drawing No. 31678-D. The estimated costs of the project is \$899,521. The City's cost participation will be seventy-five percent (75%) of the Developer's actual costs to provide the water system improvements, but the City's reimbursement cost shall not exceed \$674,641.

Staff recommends reimbursement of \$674,641 to the Developer, provided the work is completed to the satisfaction of the City Engineer and the Water Department Director. Additionally, it is recommended that \$5,000 be allocated for in-house oversight of the contract and other miscellaneous preliminary engineering associated with the project.

FISCAL IMPACT:

The total Estimated Cost of this project is \$899,521 and the City's participation will not exceed \$679,641. Funding is available for this project in Water Fund 41500, CIP-73-286.0, Otay Second Pipeline Improvements (Skyline Terrace Estates).

Ewell/Broughton/SM

Aud. Cert. 2201231.

FILE LOCATION: CONT-Carter Reese No. 11, LP

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: Shea/Scripps Gateway - Agreement to Assume Landscape Maintenance Obligations.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-979) ADOPTED AS RESOLUTION R-296794

Authorizing the City Manager to execute an Agreement to Assume Maintenance Obligations with Shea Homes Limited Partnership, for Shea to assume maintenance obligations for landscaping near the north-bound off-ramp from Interstate 15 onto Scripps Poway Parkway.

CITY MANAGER SUPPORTING INFORMATION:

Shea Homes Limited Partnership, a California Limited Partnership (Shea), a developer in the Miramar Ranch North planning area and as the developer of Scripps Gateway, has agreed to assume maintenance obligations for landscaping near the northbound off-ramp of from Interstate 15 onto Scripps Poway Parkway. This obligation will be assumed by Shea Homes Limited Partnership to maintain landscaping within Caltrans right-of-way adjacent to their project, Scripps Gateway. This agreement specifies the terms of performance by Shea and is assured by a surety of \$521,182 for the period of the agreement.

No expenditure of City funds is required by this agreement. The City of San Diego assumes no obligations under the terms of agreement.

If the City Council approves the agreement and adopts a resolution to direct such action, the City would then enter into a subsequent agreement with Caltrans District 11, to accept the maintenance of the area described by the agreement between the City and Shea.

Ewell/Christiansen/JSF

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Normal Heights Park Site Acquisition.

(Mid-City/Normal Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-54 Cor. Copy) ADOPTED AS RESOLUTION R-296795

Authorizing amendment of the Fiscal Year 2003 Capital Improvements Budget by adding CIP-29-616.0, Normal Heights Park Acquisition;

Authorizing, upon receipt of a fully executed Grant Agreement, an amendment of the Fiscal Year 2003 Capital Improvements Budget by increasing CIP-29-616.0, Normal Heights Park Acquisition, in the amount of \$500,000 from the following funds:

Fund No. 38307, Normal Heights Acquisition	\$287,000
Fund No. 39094, Mid-City Special Park Fees	\$ 60,000
Fund No. 38137, Mid-City Acquire-RHZ	\$153,000

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed Grant Agreement, to appropriate and expend an amount not to exceed \$500,000 from CIP-29-616.0, Normal Heights Park Acquisition, for the acquisition of property rights and associated removal of structures on the acquired land for the Normal Heights Neighborhood Park;

Authorizing the City Manager to negotiate the acquisition of, and to acquire, Parcel numbers 30353, 30355, 30356, and 30357 from the California Department of

Transportation, for the Normal Heights Community Park.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the acquisition of property in Mid-City to increase recreational opportunities for the community by adding the property to the Normal Heights Neighborhood Community Park. A portion of the funding was received by the City via a grant from the State of California's Environmental Enhancement and Mitigation Program previously approved by City Council on November 10, 1998 and R-290916. The acquired property will become part of the Normal Heights Neighborhood Park, increasing the park acreage by 0.48 acres from 4.89 acres to 5.37 acres.

FISCAL IMPACT:

Funds in the amount of \$500,000 as follows:

\$287,000, Fund No. 38307, Normal Heights Acquisition;
\$ 60,000, Fund No. 39094, Mid-City Special Park Fees; and
\$153,000, Fund No. 38137, Mid-City Acquire - RZH, pending receipt of a fully executed grant agreement, used to acquire Mid-City property.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9261

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Two actions related to El Capitan Boat Launching Facility Phase III.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-36) ADOPTED AS RESOLUTION R-296796

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$42,817.44 from Water Fund 41500, CIP-74-925.0, Annual allocation - Dams & Reservoirs, to Water Fund 41500, CIP-73-318.0, El Capitan Boat Launching Facilities - Phase III;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$102,052.61 from Water Fund 41500, CIP-73-318.0, El Capitan Boat Launching Facility - Phase III, for Task Order, ECP.01.186704.00, for the construction of the above project, as part of the existing Job Order Contract with Phillips National;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$90,311 from Water Fund 41500, CIP-73-318.0, El Capitan Boat Launching Facilities - Phase III, provided that the City Auditor first furnishes one or more certificates, certifying that funds necessary for expenditure are, or will be, available on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2003-37) ADOPTED AS RESOLUTION R-296797

Stating for the record that the information contained in Mitigated Negative Declaration LDR-96-0115, dated December 19, 1996, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information or substantial importance within the meaning of CEQA Guidelines section 15162 would warrant any additional environmental review in connection with approval of the construction of El Capitan Boat Launching Facilities - Phase III;

Directing the City Clerk to final Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

The project is located on land owned by the Water Department at El Capitan Reservoir. The reservoir is located east of Blossom Valley and Lakeside within unincorporated County of San Diego.

Phase I and II of the project have been completed. Phase III of the project includes construction of an eight (8) stall restroom, roadway widening, sidewalks, slope protection, upgrade utilities, and other facilities required to provide adequate service for the use of the lake's recreational facilities.

On November 26, 2001, the Council approved the expenditure of \$615,283 for the construction of Phase III Project. During construction, the contractor encountered unforeseen soil condition which required removal and replacement with new soil. Additional improvement included: Resurfacing of the North parking lot, ADA upgrades and other miscellaneous park amenities.

This request will allow construction to continue and project close out to occur.

FISCAL IMPACT:

The total estimated cost for Phase I, II and III is \$1,706,670, of this amount, \$1,616,359 has been previously authorized. The additional funds in the amount of \$42,817.44 in Water Fund 41500, CIP-74-925.0 and \$47,483.56 in CIP-73-318.0 are available.

Loveland/Belock/AO

Aud. Cert. 2201238.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Point Loma - South Access Road Protection Project.

(See memorandum from Scott Tulloch dated 6/5/2002. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1770 Cor. Copy 6/21/02) ADOPTED AS RESOLUTION R-296798

Authorizing the City Manager to execute an agreement with Michael Barker, Jr., Inc., for preliminary design of the Point Loma - South Access Road Protection Project, not to exceed \$120,678, contingent upon the passage of the FY 2003 Capital Improvement Program and Appropriation Ordinance Budgets;

Authorizing the expenditure of an amount not to exceed \$140,678, contingent upon the passage of the FY 2003 Capital Improvement Program and Appropriation Ordinance Budgets, from Sewer Fund 41509, CIP-45-960.0, Point Loma - South Access Road Protection Project, of which \$120,678 is for funding this agreement and \$20,000 is for project related costs.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/12/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Inzunza voted yea. Councilmember Peters and Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

The South Access Road (Gatchell Road) to the Point Loma Wastewater Treatment Plant (PLWTP) is presently being threatened by advancing sea cove erosion at two locations. This erosion will eventually cause the road to collapse cutting off primary access to the PLWTP. Through a request for proposal process, in compliance with Council Policy 300-7, a design consultant team was selected to study the situation and recommend possible actions. The selected team consists of local and international firms who have broad experience n dealing with local coastal issues and the regulatory environment.

The recommended prime consultant is Michael Baker Jr. Inc. who will subcontract with TY Lin McDaniel International; the Terra Costa Consulting Group, an OBE; the Schmidt Design Group and the Pountney Consulting Group. Council approval is requested to initiate the design contract needed to develop the preliminary designs and alternative analysis to be used in the environmental review. The project objective is to ensure long-term access to the PLWTP.

The analysis will look at alternatives which meet this objective, and are both environmentally acceptable and cost-effective. If the recommendation is to make improvements to reduce the rate of erosion, further Council approval will be required for the final design contract.

FISCAL IMPACT:

The total funding requested is \$140,678 of which \$120,678 is for the design agreement and \$20,000 is for project related costs. Funding is contingent upon the approval of the FY 2003 Budget from Sewer Fund 41509, CIP-45-960.0, Point Loma - South Access Road Protection Project.

Mendes/Tulloch/FSS

Aud. Cert. 2300008.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Renewal of the North Bay Redevelopment Project Area Committee (PAC) for One Additional Year of Quarterly Meetings until May 18, 2003.

(Linda Vista, Clairemont Mesa, Midway /Pacific Highway, Old Town, Uptown, Peninsula, Mission Valley Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-31 Cor. Copy) ADOPTED AS RESOLUTION R-296799

Authorizing the extension of the North Bay Redevelopment Project Area Committee for one year, from May 2002 to May 2003.

CITY MANAGER SUPPORTING INFORMATION:

Formation of the thirty (30) member North Bay Redevelopment Project Area Committee (PAC) was authorized by the City Council on September 30, 1997 to advise the Council and Redevelopment Agency regarding adoption and implementation of the North Bay Redevelopment Project. The City Council ratified the first PAC election results in November 1997, in accordance with the North Bay Redevelopment Project PAC Formation Procedures. The North Bay Redevelopment Project was adopted on May 18, 1998, by Ordinance No. 0-18516. The North Bay PAC's standard three-year term ended in May of 2001 at which time the City Council voted to extend the PAC's existence for one additional year of quarterly meetings until May 18, 2002.

Discussion:

On October 24, 2001, the North Bay PAC conducted its most recent Annual Election in accordance with the PAC Bylaws. Eleven of thirteen (13) PAC vacancies were filled at the Annual Election. Overall, twenty-six (26) of thirty (30) seats are currently filled.

Section 33386 of the California Redevelopment Law specifies that the Redevelopment Agency through its staff, consultants, and Agency members shall, upon the direction of and approval of the legislative body, consult with and obtain the advice of the Project Area Committee concerning those policy matters which deal with the planning and provision of residential facilities or replacement housing for those to be displaced by project activities. The Agency shall also consult with the Committee on other policy matters that affect the residents of the project area. The CRL indicates that the PAC's emphasis should be on housing and residential issues and further emphasizes the importance of representation of residential tenants and residential owner-occupants on the PAC.

PAC members are also required under the Fair Political Practices Commission (FPPC) Regulations to complete a Statement of Economic Interests (Form 700) annually. On May 1, 2002 PAC members unanimously approved a motion that their committee be renewed for one additional year of quarterly meetings.

In accordance with the Council's procedures regarding the formation of the North Bay Redevelopment PAC, the City Council ratified the Annual election results on December 4, 2001. The Council is requested to reaffirm that the North Bay Project Area Committee will remain for another year of quarterly meetings, until May 18, 2003.

FISCAL IMPACT:

Based on last fiscal year's expenditures, the cost of maintaining the North Bay PAC for one additional year from May 2002 until May 2003 is estimated to be approximately \$30,000. North Bay tax increment funds are available for this purpose.

Cunningham/Hooks/CJM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: FY2003 California Arts Council State/Local Partnership Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-17) ADOPTED AS RESOLUTION R-296800

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in an amount not to exceed \$40,000;

Declaring that the City of San Diego Commission for Arts and Culture will use the funds in FY2002-2003 to plan, coordinate and implement programs and services that enhance the culture life of San Diego;

Authorizing the City Manager to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal Year 2002-2003 to support the Commission's programs, services and administration.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to foster cultural development on the local level through a partnership between the California Arts Council and the state's local arts agencies. The nature of this partnership includes arts funding, information exchange, cooperative activities, and leadership to enrich the quality of life for all Californians. The goals of the S/LPP are to encourage local communities to foster the growth of arts resources to meet local needs; to provide access to and to increase awareness of high quality artistic experiences for all Californians; to serve the cultural needs of local communities including geographically isolated and economically disadvantaged communities; to encourage and promote cultural expression and participation among the diverse and underserved populations of the state based on local planning and the goals of the California Arts Council; to promote cooperation and collaboration among county and city arts agencies in planning, programming and policy development; to increase support for quality artistic activities by supporting the programs, services and arts policy development efforts of California's designated local arts agencies; and to broaden and leverage public and private support for the arts.

The San Diego City Council, by Resolution R-252650, adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983. In 1984, the City Council changed this designation and identified itself as the local partner.

An annual grant application will be submitted to the California Arts Council State/Local Partnership Program (CAC/SLPP) in the amount of \$40,000. Funds will be used by the City of San Diego Commission for Arts and Culture during Fiscal Year 2002-2003 to plan, coordinate and implement programs and services that enhance the cultural life of San Diego.

FISCAL IMPACT:

To receive the \$40,000 in CAC/SLPP grant funds, the City must provide a one to one match. The City of San Diego Commission for Arts and Culture's Fiscal Year 2003, administrative and programs budget will provide the matching funds in the form of the executive directors salary.

Loveland/Herring/VH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-13) ADOPTED AS RESOLUTION R-296801

Kerry Houlihan - Fire and Life Safety Services Department	\$ 50.00
Michael Hook - Transportation/Streets Department	\$400.53

Subitem-B: (R-2003-14) ADOPTED AS RESOLUTION R-296802

Robert Abeyta - MWWD	\$ 80.00
Janet Uglow - MWWD (was Risk Management/Safety)	\$100.00

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-108: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-77) ADOPTED AS RESOLUTION R-296803

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: B078-099.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-109: Sewer Easement - Group Job 623B.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-72) ADOPTED AS RESOLUTION R-296804

Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project;

Directing the City Clerk to file a Notice of Determination;

Authorizing the City Manager, or designee, to accept the easement deed from the United States Navy granting to the City of San Diego needed property rights as part of the construction of Sewer Group Job 623B.

CITY MANAGER SUPPORTING INFORMATION:

This easement is required to allow for the removal of aged and deteriorated sewer line, and the re-alignment and replacement with an eighteen-inch carrier pipe within a thirty-inch steel casing. This project, part of the Sewer Group 623B project, will increase sewer capacity and improve sewer service to area residents and facilities served by the line. Of the 2,270 lineal feet to be replaced by the project, this easement is necessary for the installation of an 881-foot portion, with the balance of the replacement and re-alignment to be completed within existing City right-of-way and easements.

FISCAL IMPACT:

None, due to the fact that the easement serves their property. The United States Navy is granting the easement at no cost to the City.

Herring/Griffith/SLG

FILE LOCATION: DEED F-9262

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Design and Construction Agreement for La Jolla Riford Library Expansion.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-25 Cor. Copy) ADOPTED AS RESOLUTION R-296805

Accepting the Friends' generous offer;

Authorizing the City Manager to execute: 1) a Design and Construction Agreement with Friends for the expansion and renovation of the La Jolla Riford Branch Library; 2) a Lease Agreement with Friends for the purpose of assisting Friends in the expansion and renovation of the La Jolla Riford Branch Library.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with The Friends of the La Jolla Branch Library will provide for the design and construction of the La Jolla / Riford Branch Library expansion and renovation. The generous Friends of the La Jolla Branch Library are willing to pay the full cost and assume management of the design development and construction of the Library project. Friends have raised over \$4,900,000 for the design and construction for the expansion and renovation. The City is willing for the Friends to assume financial responsibility for, and management of, the design development and construction of the Library expansion and renovation, subject to the terms and conditions of this agreement.

This project includes a 14,700 sq. ft addition to the existing 10,000 sq. ft branch library, located at 7555 Draper Avenue, to provide more space to serve a growing community. The planned expansion will include a Computer Lab, New Children's Area, Study Areas, Storage Area and Volunteer Work Area.

FISCAL IMPACT:

The estimated operating cost for this Library is \$395,692 and will be budgeted at project completion in FY2004.

Loveland/Belock/AO

FILE LOCATION:

CONT-Friends of the La Jolla Branch Library; LEAS-La Jolla Riford Branch Library

COUNCIL ACTION:

(Tape location: B471-572.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a
"Notice of Completion and Acceptance of Subdivision Improvement Agreement"
indicating that the improvements included in the Subdivision Improvement
Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Mercy Road Homes Unit No. 2

COMMUNITY AREA

Mira Mesa Community

The certification shall be recorded 15 days after the date this notice appears on the
Council Docket or shortly thereafter. If any person wishes to object to the filing of
this notice, such person should communicate the objection on or before that date to
the Director or Planning and Development Review or to the Subdivision Engineer,
City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council
Policy states that members of the public shall submit proposals to the City Clerk, who then shall
transmit them promptly to the Rules Committee for review and comment. The proposals must be
submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election
the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the
November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee

Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	Council adopts propositions for ballot;
	Through	to	directs City Attorney to prepare
Monday	7/22/02	106	ordinances
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-S400: Parks and Recreation Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-85) ADOPTED AS RESOLUTION R-296806

Recognizing the exemplary efforts of the Park and Recreation Department;

Proclaiming July 1 through 31, 2002 to be "Parks and Recreation Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-156.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Friends of Asistencia de la Infancia Salvatierra, A.C. Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-89) ADOPTED AS RESOLUTION R-296807

Recognizing the accomplishments of the supporters of the Shelter;

Proclaiming July 15, 2002 to be "Friends of Asistencia de la Infancia Salvatierra, A.C. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A400-B004.)

MOTION BY INZUNZA TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Lease Approval - Pacific Bell Wireless at Fire Station #24.

(Carmel Valley Community Area. District-1.)

(Continued from the meeting of 7/8/2002, Item 120, at the request of Mayor Murphy for report from Real Estate Assets Dept., and for Councilmember Peters to be present to provide input on funding alternatives.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-19) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute a five year lease agreement with an option for one additional term of five years with Pacific Bell Wireless, LCC for a telecommunication facility at Fire Station Number 24, at an initial annual rent of \$19,200.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell Wireless is requesting a lease for the operation and maintenance of a communications facility at Fire Station #24 in the Carmel Valley community. It consists of equipment shelters and antenna equipment. Pacific Bell requires the fire station location to provide service to the local community. Pacific Bell Wireless has proved to be a reliable tenant at other existing City-owned sites.

Basic terms of the agreement are as follows:

USE - Install, maintain and operate a communication facility.

TERM - Five (5) years, with one (1) additional 5-year option.

GROUND RENT - Initial rent is \$19,200 annually (\$1,600 per month) with annual 5% rent increases and a reappraisal at year five.

STATEMENT OF VALUE - This rent is consistent with an outside independent fee appraisal based on a comparative survey of similar telecommunication facilities in the Southern California market dated November 2001.

PRIOR APPROVALS - Carmel Valley Community Planning Board, Fire and Life Safety Services, Development Services.

FISCAL IMPACT:

The City will receive \$19,200 in the first year of the lease with 5% annual rent increases thereafter. Rent proceeds will be deposited into Fund 100, Revenue Account 75692.

Herring/Griffith/CPA

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B006-074.)

CONSENT MOTION BY STEVENS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER DISCUSSIONS WITH THE COMMUNITY. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:35 p.m. in honor of the memory of:

Dr. Robert Draper and Eddie Conlon as requested by Council Member Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C030.)